

ORDINANCE
- No. 1488

AN ORDINANCE relating to the regulation of grading, land fills, gravel pits, dumping, quarrying and mining operations, and providing for the issuance of permits and collection of fees therefore; the issuance of temporary use permits to authorize excavation or construction materials and installations of processing equipment used in the construction of public works projects; repealing Ordinance 525 and 627 and K.C.C. 16.08.480 and Ordinance 762; and providing penalties for the violation of this ordinance.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 525 and 627, K.C.C. 16.08.480, and Ordinance 762 are hereby repealed; provided that any permits approved prior to the effective date of this ordinance shall be effective and valid for the term thereof and any renewal shall require conformance with this ordinance.

SECTION 2. This ordinance is intended to safeguard life, limb, property and the public welfare and to minimize adverse effects upon the environment by regulating excavations, grading and earthwork construction including cuts and fills, gravel pits, dumping, quarrying and mining operations within King County. This ordinance establishes the administrative procedure for issuance of permits; provides for approval of plans and inspection of grading operations; and provides for penalties for the violation of this ordinance.

SECTION 3. Administration. The Director of Building Division, Department of Community and Environmental Development, is hereby authorized to enforce the provisions of this ordinance.

(1) Inspections. The Director of Building Division, Department of Community and Environmental Development, and his authorized representative are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this ordinance.

1 (2) Right of Entry. Whenever necessary to make an inspection
2 to enforce any of the provisions of this ordinance, or whenever
3 the Director of Building Division, Department of Community and
4 Environmental Development, or his authorized representative has
5 reasonable cause to believe that any land, building, structure,
6 premises, or portion thereof is being used in violation of this
7 ordinance, the Director of Building Division, Department of
8 Community and Environmental Development, or his authorized repre-
9 sentative may enter such land, building, structure, premises,
10 or portion thereof at all reasonable times to inspect the same or
11 perform any duty imposed upon the Director of Building Division,
12 Department of Community and Environmental Development, by this
13 ordinance; provided that (a) if such building, land, structure,
14 premises, or portion thereof be occupied, he shall first present
15 proper credentials and demand entry; and (b) if such land, building,
16 structure, premises, or portion thereof be unoccupied, he shall
17 first make a reasonable effort to locate the owner or other persons
18 having charge or control of the land, building, structure, premises
19 or portion thereof and demand entry.

20 No owner or occupant or any other person having charge,
21 care or control of any building, land, structure, premises, or
22 portion thereof shall fail or neglect, after proper demand, to
23 promptly permit entry thereon by the Director of Building Division,
24 Department of Community and Environmental Development, or his
25 authorized representative for the purpose of inspection and examina-
26 tion pursuant to this ordinance. Any person violating this sub-
27 division shall be guilty of a misdemeanor.

28 SECTION 4. Hazards. Whenever the Director of Building
29 Division, Department of Community and Environmental Development,
30 determines that an existing excavation or embankment or fill has
31 become a hazard to life and limb, or endangers property, adversely
32 affects the safety, use or stability of a public way or

1 drainage channel, the owner of the property upon which the exca-
2 vation or fill is located, or other person or agent in control of
3 said property, upon receipt of notice in writing from the Director
4 of Building Division, Department of Community and Environmental
5 Development, shall within the period specified therein, repair or
6 eliminate such excavation or embankment or fill so as to eliminate
7 the hazard and be in conformance with the requirements of this
8 ordinance.

9 SECTION 5. Definitions. Certain words and phrases used in
10 this ordinance, unless otherwise clearly indicated by their context,
11 shall mean as follows:

12 (1) "Bench" is a relatively level step excavated or con-
13 structed on the face of a graded slope surface for drainage and
14 maintenance purposes.

15 (2) "Berm" is a mound or raised area used for the purpose of
16 screening a site or operation.

17 (3) "Civil Engineer" shall mean a professional engineer
18 registered in the State of Washington to practice in the field of
19 civil works.

20 (4) "Compaction" is the densification of a fill by mechanical
21 means.

22 (5) "Director" shall mean the Director or the authorized
23 agent of: Building Division, Department of Community and
24 Environmental Development; Land Use Management Division,
25 Department of Community and Environmental Development; and
26 Department of Public Works.

27 (6) "Earth material" is any rock, natural soil or any combina-
28 tion thereof.

29 (7) "Erosion" is the wearing away of the ground surface as
30 the result of the movement of wind, water and/or ice.

31 (8) "Excavation" is the mechanical removal of earth material.
32

1 (9) "Fill" is a deposit of earth material placed by artifi-
2 cial means.

3 (10) "Grade" shall mean the elevation of the ground surface.

4 (a) "Existing grade" is the grade prior to grading.

5 (b) "Rough grade" is the stage at which the grade
6 approximately conforms to the approved plan as
7 required in Section 7 of this ordinance.

8 (c) "Finish grade" is the final grade of the site
9 which conforms to the approved plan as required
10 in Section 7 of this ordinance.

11 (11) "Grading" is any excavating or filling or combination
12 thereof.

13 (12) "Grading permit" means a permit required by this ordi-
14 nance including temporary permits.

15 (13) "Remote area" means a rural area on which a grading site
16 (used primarily as the source of materials for the construction or
17 maintenance of access) is not visible from any state highway,
18 county road or any public street or highway, or, if visible, it is
19 more than one mile away from the point on such road from which it
20 is visible.

21 (14) "Shorelands" means land between the normal high water
22 mark and the line of navigable waters.

23 (15) "Shorelines" means those lands defined as shorelines
24 in the applicable state shorelines management or protection
25 legislation.

26 (16) "Site" is any lot or parcel of land or contiguous com-
27 bination thereof where projects covered by this ordinance are
28 performed or permitted except a public street or way may intervene.

29 (17) "Slope" is an inclined ground surface, the inclination
30 of which is expressed as a ratio of horizontal distance to vertical
31 distance.

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1 (18) "Soil Engineer" shall mean a civil engineer experienced
2 and knowledgeable in the practice of soil engineering.

3 (19) "Structure" is that which is built or constructed, an
4 edifice or building of any kind, or any piece of work artificially
5 built up or composed of parts joined together in some definite
6 manner.

7 (20) "Terrace" is a relatively level step excavated or con-
8 structed on the face of a graded slope surface for drainage and
9 maintenance purposes.

10 (21) "Tidelands" means that portion of the land which is
11 covered and uncovered by the ebb and flood tide.

12 SECTION 6. Permits required - exceptions thereof.

13 (1) No person shall do any grading without first having
14 obtained a grading permit from the Director of Building Division,
15 Department of Community and Environmental Development, except for
16 the following:

17 (a) An excavation below finished grade for basements
18 and footings of a building, retaining wall or other structure
19 authorized by a valid building permit. This shall not exempt any
20 fill made with the material from such excavation nor exempt any
21 excavation having an unsupported height greater than five feet
22 after the completion of such structure;

23 (b) The depositing or covering of any garbage, rubbish
24 or other material at any dump operated by the County of King;

25 (c) Any grading in remote areas by an owner or holder of
26 a possessory interest in land for the primary purpose of construc-
27 tion or maintenance of access to or on such landowner property;

28 (d) Any grading within a publicly owned right-of-way;

29 (e) Any grading for roads within a preliminarily or
30 finally approved residential plat which has been approved by the
31 Director of the Department of Public Works and for which a bond
32 has been posted;

1 (f) Maintenance or reconstruction of the facilities of
2 a common carrier by rail in interstate commerce within its exist-
3 ing right-of-way provided restoration is consistent with the
4 requirements of the QM section of the King County Zoning Code;

5 (g) Cemetery graves;

6 (h) Grading within a preliminarily or finally approved
7 residential plat not involving any excavation exceeding five feet
8 in vertical depth or any fill exceeding three feet in vertical
9 depth regardless of the amount of material to be removed;

10 (i) Excavation less than five feet in vertical depth
11 not involving more than five hundred cubic yards of earth or
12 other material on a single site;

13 (j) Fill less than three feet in vertical depth not
14 involving more than five hundred cubic yards of earth or other
15 material on a single site.

16 (2) Temporary Permits. The Director of Building Division,
17 Department of Community and Environmental Development, shall have
18 the authority to issue temporary permits for excavations, process-
19 ing, quarrying and mining, and removal of black soil, peat, sand,
20 gravel, rock and other natural deposits, together with the neces-
21 sary buildings, apparatus or appurtenances incident thereto for
22 specific jobs on application of a governmental agency covering
23 highway, road, street, airport construction, flood control and
24 other public works projects. In conjunction with such operations,
25 allied uses such as, but not limited to, rock crushers, concrete
26 batching plants and asphalt batching plants may be authorized by
27 this temporary permit. Provided, however, that before any such
28 permit shall be issued, the application shall be referred to the
29 Land Use Management Division, Department of Community and
30 Environmental Development, and the Department of Public Works for
31 their review and recommendations.

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1 The Department of Public Works shall consider the effect of
2 the proposed operation on the County road system and any effect
3 it may have on flood control and the Department of Public Works
4 shall make such recommendations as are necessary to protect the
5 public interest in this regard.

6 The Land Use Management Division, Department of Community and
7 Environmental Development, shall consider the effect of the pro-
8 posed operation on the current and future land use in the area
9 affected by the proposed operation and shall make such recommen-
10 dations as are necessary to protect the public interest in this
11 regard.

12 When issuing the permit, the Building Division, Department of
13 Community and Environmental Development, shall require compliance
14 with the provisions of this ordinance, the recommendations of the
15 Land Use Management Division, Department of Community and
16 Environmental Development, and the Department of Public Works;
17 and shall be responsible for the enforcement of the provisions of
18 the permit. This temporary permit is good for the life of the
19 contract of the specific job but is not to exceed one year.

20 SECTION 7. Grading Permit Requirements. Except as exempted
21 in Section 6 of this ordinance, no person shall do any grading with-
22 out first obtaining a grading permit from the Director of Building
23 Division, Department of Community and Environmental Development.
24 A separate permit shall be required for each site and may cover
25 both excavations and fills.

26 (1) Application. To obtain a permit the applicant shall first
27 file an application therefore in writing on a form furnished for
28 that purpose. Every such application shall: (a) identify and
29 describe the work to be covered by the permit for which application
30 is made; (b) describe the land on which the proposed work is to be
31 done, by lot, block, tract and house and street address, or similar
32 description that will readily identify and definitely locate the

1 proposed site; (c) indicate the estimated quantities of work
2 involved; (d) be accompanied by plans and specifications as re-
3 quired in subsections (2) and (3); (e) be signed by the permittee
4 or his authorized agent who may be required to submit evidence to
5 indicate such authority; (f) give such other information as reason-
6 ably may be required by the Director of Building Division,
7 Department of Community and Environmental Development.

8 (2) Plans and Specifications. When required by the Director
9 of Building Division, Department of Community and Environmental
10 Development, each application for a grading permit shall be accom-
11 panied by six sets of plans and specifications and other supporting
12 data as may be required. The plans and specifications shall be
13 prepared and signed by a registered civil engineer licensed to
14 practice in the State of Washington when required by the Director
15 of Building Division, Department of Community and Environmental
16 Development.

17 (3) Information on Plans and in Specifications. Plans shall
18 be drawn to scale upon substantial paper or cloth and shall be of
19 sufficient clarity to indicate the nature and extent of the work
20 proposed and show in detail that they will conform to the pro-
21 visions of this ordinance and all other relevant laws, ordinances,
22 rules and regulations. The first sheet of each set of plans shall
23 give the location of the work and the name and address of the owner
24 and the person by whom they were prepared. The plans shall include
25 the following information: (a) general vicinity of the proposed
26 site; (b) property limits and accurate contours of existing ground
27 and details of terrain and area drainage; (c) limiting dimensions,
28 elevations or finished contours to be achieved by the grading,
29 and proposed drainage channels and related construction;
30 (d) detailed plans of all surface and subsurface drainage devices,
31 walls, cribbing, dams, berms, settling ponds and other protective
32 devices to be constructed with or as a part of the proposed work,

1 together with the maps showing the drainage area and the estimated
2 runoff of the area served by any drains; (e) location of any build-
3 ings or structures on the property where the work is to be per-
4 formed and the location of any buildings or structures on land of
5 adjacent owners which are within fifty feet of the property or
6 which may be affected by the proposed grading operations.

7 (4) Referral of Applications. Applications for grading
8 permits shall be referred to the Director of Land Use Management
9 Division, Department of Community and Environmental Development,
10 and to the Director, Department of Public Works. The Director of
11 Land Use Management Division, Department of Community and
12 Environmental Development, shall determine if the proposed grading
13 will adversely affect the character of the site for present lawful
14 uses or with the future development of the site and adjacent pro-
15 perties for building or other purposes as indicated by the compre-
16 hensive plan and the zoning code resolutions. The Director,
17 Department of Public Works, shall determine the effect of the
18 intended grading upon public and private property as it pertains
19 to: drainage, traffic and public roads. The Director of Land
20 Use Management Division, Department of Community and Environmental
21 Development, and the Director, Department of Public Works, shall
22 report their findings to the Director of Building Division,
23 Department of Community and Environmental Development.

24 (5) Granting of Permits. After an application has been filed
25 and reviewed, the Director of Building Division, Department of
26 Community and Environmental Development, shall ascertain whether
27 such grading work complies with the other provisions of this
28 ordinance. If the application and plans so comply, or if they are
29 corrected or amended so as to comply, the Director of Building
30 Division, Department of Community and Environmental Development,
31 shall issue to said applicant a grading permit including a permit
32 placard. A grading permit shall be valid for the number of days

1 stated in the permit but in no case shall the period be more than
2 one year, provided that when operating conditions have been met,
3 the permit shall be renewable on a yearly basis.

4 No grading permit shall be issued until approved by Federal,
5 ~~State~~ and local agencies having jurisdiction by laws or regulations.

6 Upon approval of the application and issuance of the grading
7 permit, no work shall be done that is not provided for in the
8 permit. The Director of Building Division, Department of Community
9 and Environmental Development, is authorized to inspect the
10 premises at any reasonable time to determine if the work is in
11 accordance with the permit application and plans.

12 The permits from the Building Division, Department of Community
13 and Environmental Development, shall be required regardless of any
14 permits issued by any other department of County government or any
15 other governmental agency who may be interested in certain aspects
16 of the proposed work. Where work for which a permit is required by
17 this ordinance is started or proceeded with prior to obtaining said
18 permit, the violator shall be subject to such civil penalties as
19 herein provided in this ordinance. However, the payment of such
20 civil penalties shall not relieve any persons from fully complying
21 with the requirements of this ordinance in the execution of the
22 work nor from any other penalties prescribed thereon.

SECTION 8. Fees. A fee shall be paid to the Director of

1 Building, Department of Community and Environmental Development,
2 for the costs of investigation, inspection and regulation pursuant
3 to the following schedule: (EXCEPTION - Fee shall not be required
4 of other King County Departments.)

5 (1) PLAN REVIEW FEES:

6 500 to 5,000 cubic yards \$ 50.00
7 5,000 to 10,000 cubic yards 100.00
8 10,000 to 50,000 cubic yards 200.00
9 50,000 to 100,000 cubic yards 300.00
10 100,000 to 500,000 cubic yards 500.00
11 Over 500,000 cubic yards 600.00

12 Plan check fee for gravel pits, land fills, cutting,
13 filling, dumping, quarrying and mining operations,
14 based on contour maps for the entire project, shall
15 be paid only once.

16 (2) ANNUAL OPERATING PERMIT FEE - GENERAL:

17 500 to 5,000 cubic yards (0-10 acres) \$ 50.00
18 5,000 to 10,000 cubic yards (0-10 acres) 100.00
19 10,000 to 25,000 cubic yards (0-10 acres) 200.00
20 25,000 to 50,000 cubic yards (0-10 acres) 300.00
21 Over 50,000 cubic yards (0-10 acres) 400.00

22 Plus \$10.00 per acre for each acre over 10 acres up
23 to 100 acres.

24 Plus \$5.00 per acre for each acre over 100 acres up
25 to 500 acres.

26 Plus \$2.00 per acre for each acre over 500 acres.

27 Acreage covered includes all land which has been dis-
28 turbed and not rehabilitated pursuant to this ordinance,
29 including stockpiles and working areas such as plant
30 sites. Those areas covered under the grading permit
31 which have been rehabilitated shall not be included in
32 calculating annual operating fees.

(3) ANNUAL OPERATING PERMIT FEE - PLATS, AREAS UNDER
ONE-HALF ACRE:

For approved preliminary and final plats and areas of
no more than one-half acre:

\$5.00 per lot - minimum fee of \$25.00.

(Plan review fees not required.)

SECTION 9. Bonds Required. Prior to obtaining a permit the
permittee shall first post with the Director of Building Division,
Department of Community and Environmental Development, a surety or
cash bond executed by the owner and a corporate surety authorized
to do business in this state as a surety. The bond shall be on an
approved form and shall include penalty provisions for failure to
comply with the conditions of the permit. Bonds may be waived on
projects of less than one thousand cubic yards. (EXCEPTION -
Bonds shall not be required of other King County Departments.)

(1) Reclamation Bond. The permittee shall post a surety bond
or cash bond in an amount sufficient to cover the cost of conform-
ance with the conditions of the permit, including corrective work
necessary to provide adequate drainage and to remove and eliminate
geological hazards. Any reclamation bonds posted with the State
of Washington, Department of Natural Resources, for Surface Mining
Permits may be applied on the surety bond requirements insofar as
they pertain to the reclamation provisions of this ordinance.

(2) Operation Bond. In addition to the reclamation bond,
a cash operating bond shall accompany the operating permit and may
be used at the discretion of the Director of Building Division,
Department of Community and Environmental Development, to correct
deficiencies affecting public health, safety and welfare, including
effects on water quality. The amount shall be determined by the
Director of Building Division, Department of Community and
Environmental Development, but shall not be in excess of one
thousand dollars.

1 (3) Conditions. Every bond shall obligate the permittee to
2 the following conditions:

3 (a) Compliance with all of the provisions of the King
4 County Code, applicable laws and ordinances;

5 (b) Compliance with all of the terms and conditions of
6 the permit for excavation or fill to the satisfaction of the
7 Director of Building Division, Department of Community and
8 Environmental Development;

9 (c) Completion of the protective work contemplated under
10 the permit within the time limit specified in the permit.

11 (The Director of Building Division, Department of Community and
12 Environmental Development, may, for sufficient cause, extend the
13 time specified in the permit, but no such extension shall release
14 the surety upon the bond.)

15 (4) Failure to Complete Protective Work and/or Land Rehabili-
16 tation. In the event of failure to comply with all the conditions
17 and terms of the permit, the Director of Building Division,
18 Department of Community and Environmental Development, shall notify
19 the permittee and the surety in writing, and failing to obtain re-
20 sponse within ten days from the receipt of notification may order
21 the work required by the permit to be completed to his satisfaction
22 or perform all necessary corrective work to eliminate hazards
23 caused by not completing the work. The surety executing such bond
24 or deposit shall continue to be firmly bound, up to the limits of
25 the bond, under a continuing obligation for the payment of all
26 necessary costs and expenses that may be incurred or expended by the
27 governing agency in causing any and all such required work to be
28 done. In the case of a cash deposit, said deposit or any unused
29 portion thereof shall be refunded to the permittee. In no event
30 shall the liability of the surety exceed the amount stated in its
31 bond regardless of the number of years the bond shall remain in
32 force.

1 SECTION 10. Liability Insurance and Exception. The permittee
2 shall maintain a liability policy in the amount of one hundred
3 thousand dollars per individual, three hundred thousand dollars
4 per occurrence, and fifty thousand dollars property damage, and
5 shall name King County as an additional insured. EXCEPTION:
6 Liability insurance requirements may be waived for projects in-
7 volving less than ten thousand cubic yards. Liability insurance
8 shall not be required of other King County Departments.

9 SECTION 11. Operating Conditions and Standards of Performance:
10 Cuts and fills shall conform to the provisions of this section
11 unless otherwise recommended in a soil engineering and/or engineer-
12 ing geology report approved by the Director of Building Division,
13 Department of Community and Environmental Development.

14 (1) Slope. No slope of cut and fill surfaces shall be steeper
15 than is safe for the intended use and shall not exceed two hori-
16 zontal to one vertical unless otherwise recommended in a report
17 approved by the Director of Building Division, Department of
18 Community and Environmental Development.

19 (2) Erosion Control. All disturbed areas including faces of
20 cuts and fill slopes shall be prepared and maintained to control
21 erosion. This control may consist of effective planting.
22 The protection for these areas shall be installed as soon as prac-
23 tical and prior to final approval. Where areas are not subject to
24 erosion, as determined by the Director of Building Division,
25 Department of Community and Environmental Development, such protec-
26 tion may be omitted.

27 (3) Preparation of Ground. The ground surface shall be pre-
28 pared to receive fill by removing unsuitable material such as
29 concrete slabs, tree stumps, brush and car bodies.

30 (4) Fill Material. Except in an approved sanitary landfill,
31 earth materials which have no more than minor amounts of organic
32 substances and have no rock or similar irreducible material with
a maximum dimension greater than eighteen inches shall be used.

(5) Drainage. Provisions shall be made to:

(a) prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a fill;

(b) carry any surface waters that are or might be concentrated as a result of a fill or excavation to a natural water course, or by other means approved by the Director, Department of Public Works;

(c) prevent any sediment from leaving the site.

(6) Bench/Terrace. Benches at least ten feet in width shall be back sloped and shall be established at not more than twenty-five feet vertical intervals to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent.

(7) Access roads to grading sites shall be maintained and located to the satisfaction of the King County Department of Public Works to minimize problems of dust, mud and traffic circulation.

(8) Access roads to grading sites shall be controlled by a gate when required by the Director of Building Division, Department of Community and Environmental Development.

(9) Signs warning of hazardous conditions, if such exist, shall be affixed at locations as required by the Director of Building Division, Department of Community and Environmental Development.

(10) Fencing, where required by the Director of Building Division, Department of Community and Environmental Development, to protect life, limb and property, shall be installed with lockable gates which must be closed and locked when not working the site.

The fence must be no less than five feet in height and the fence material shall have no horizontal opening larger than two inches.

(11) Whenever property developed for the mining or quarrying of minerals or materials has a common property line with residentially developed property, there shall be installed and maintained or cultivate, if natural flora exists, a view-obscuring planting screen not less than ten feet in width and in such planting strip shall be evergreen shrubs, bushes or trees which shall be

1 maintained at a height of not less than six feet and the planting
2 screen shall be planted according to accepted practice in good
3 soil, irrigated as necessary and maintained in good condition at
4 all times. Such a view-obscuring planting screen herein required
5 shall be installed as a yard improvement at or before the time
6 mining or quarrying operations commence or within a reasonable
7 time thereafter given due consideration to planting conditions.

8 (12) Setbacks. The tops and the toes of cut and fill slopes
9 shall be set back from property boundaries as far as necessary
10 for safety of the adjacent properties and to prevent damage result-
11 ing from water runoff or erosion of the slopes.

12 The tops and the toes of cut and fill slopes shall be set
13 back from structures as far as is necessary for adequacy of foun-
14 dation support and to prevent damage as a result of water runoff
15 or erosion of the slopes.

16 Unless otherwise recommended in the approved soil engineering
17 and/or engineering geology report and shown on the approved grading
18 plan, setbacks shall be no less than shown in Table No. 1.

19 (13) Excavations to Water-producing Depth. All excavations
20 must either be made to a water-producing depth or grade to permit
21 natural drainage. The excavations made to a water-producing depth
22 shall be reclaimed in the following manner:

23 (a) The depth of the excavations must not be less than
24 two feet measured below the low-water mark.

25 (b) All banks shall be sloped to the water line no
26 steeper than three feet horizontal to one foot vertical.

27 (c) All banks shall be sloped from the low-water line
28 into the pond or lake with a minimum slope of three feet horizontal
29 to one foot vertical to a distance of at least twenty-five feet.

30 (d) In no event shall the term water-producing depth as
31 herein used be construed to allow stagnant or standing water to
32 collect or remain in the excavation.

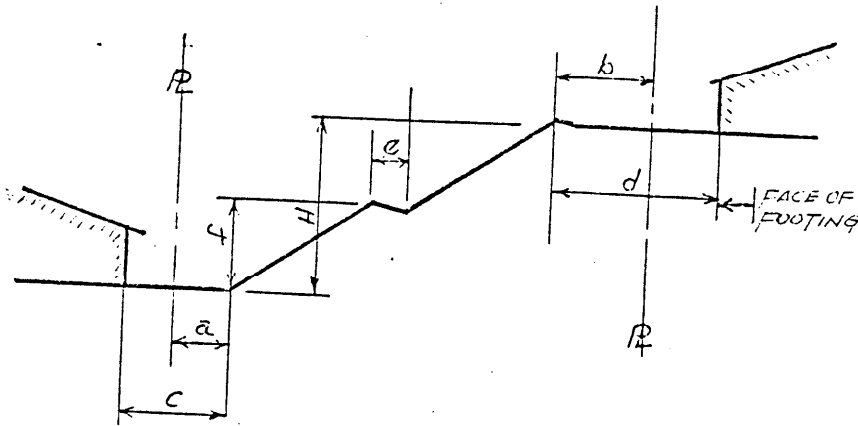


TABLE NO. 1

REQUIRED SETBACKS

| H (FEET) | a | b | c | d | e | f |
|------------|--------|-----|-----|-----|-----|-----|
| 0 - 10' | 3' | 3' | 3' | 5' | NA | NA |
| 10' - 30' | 1 1/2' | 10' | 10' | 10' | 10' | 25' |
| OVER - 30' | 15' | 10' | 10' | 10' | 10' | 25' |

1 (c) The intent of this provision is to allow reclamation
2 of the land which will result in the establishment of a lake of
3 sufficient area and depth of water to be useful for residential or
4 recreational purposes.

5 (14) Hours of operation, unless otherwise authorized by the
6 Director of Building Division, Department of Community and
7 Environmental Development, shall be between 7:00 a.m. and 7:00 p.m.

8 (15) All operations, conditions and standards of performance
9 shall be subject to the limitations on permitted uses in the QM
10 Classification, Sections 24.42.030 through 24.42.110 and Land
11 Rehabilitation Provision, Section 24.42.120 of the King County
12 Zoning Code, Resolution 25789.

13 SECTION 12. Land Restoration. (1) Upon the exhaustion of
14 minerals or materials or upon the permanent abandonment of the
15 quarrying or mining operation, all nonconforming buildings,
16 structures, apparatus or appurtenances accessory to the quarrying
17 and mining operation shall be removed or otherwise dismantled to
18 the satisfaction of the Director of Building Division, Department
19 of Community and Environmental Development. This requirement shall
20 not require land restoration on projects completed prior to
21 January 1, 1971 except those covered under previously existing
22 zoning requirements.

23 (a) Final grades shall reflect the uses permitted within
24 the underlying zone classification.

25 (b) Grading or back filling shall be made with non-noxious
26 non-flammable, non-combustible and non-putrescible solids.

27 (c) Such graded or back filled areas, except for roads,
28 shall be sodded or surfaced with soil of a quality at least equal
29 to the topsoil of the land areas immediately surrounding, and to a
30 depth of at least four inches or a depth of that of the topsoil of
31 land areas immediately surrounding if less than four inches.

32

1 (d) Then topsoil as required by paragraph (c) above
2 shall be planted with trees, shrubs, legumes or grasses and said
3 flora shall be so selected as to be indigenous to the surrounding
4 area.

5 (e) Graded or back filled areas shall be reclaimed in a
6 manner which will not allow water to collect and permit stagnant
7 water to remain. Suitable drainage systems approved by the
8 Department of Public Works shall be constructed or installed if
9 natural drainage is not possible.

10 (f) Waste or spoil piles shall be leveled and the
11 area treated as to sodding or surfacing and planting as required
12 in Section 12, subsection (1), paragraph (c) and (d).

13 (2) Underground mining operations shall not be left in a condi-
14 tion so as to be or become hazardous. Mine shafts, air courses,
15 inclines, or horizontal workings temporarily unused or deserted
16 shall be blocked by solid bulkheads constructed and maintained so
17 as to deny access. A locked manway or door may be installed as
18 part of the bulkhead. Where shafts, air courses, inclines, or
19 horizontal workings are to be permanently abandoned in accordance
20 with good mining practice, the collar or portal to such workings
21 shall be completely blocked by permanent bulkheads constructed of
22 concrete and/or steel or by causing the collapse of solid rock at
23 such collar or portal in such manner as to permanently fill said
24 openings with rock of sufficient size to prohibit the re-opening
25 of said workings by natural movement of the collapsed rock by
26 gravity down inclined workings.

27 SECTION 13. Shorelands and Tidelands. Any fill placed upon
28 shorelands and tidelands shall be contained within an adequate re-
29 taining structure constructed thereon so as to prevent adverse
30 effect upon other lands beneath the water. The design and construc-
31 tion of such retaining structure shall be approved by the Director
32 of Building Division, Department of Community and Environmental
Development, provided the Director may waive the above retaining

1 structure requirement upon a showing, supported by adequate engin-
2 eering data, that such retaining structure is not necessary to
3 such containment. No grading permit shall be issued to fill upon
4 shorelands or tidelands until approved by the appropriate Federal,
5 State or local authority. No grading permit shall be issued for
6 any filling seaward of the shorelands or tidelands.

7 SECTION 14. Confidential Material. Upon request, the
8 Building Division, Department of Community and Environmental
9 Department, shall release information acquired through the admin-
10 istration of this ordinance to proper interested persons.

11 For these purposes "proper interested persons" are defined as
12 follows: (1) As to information relating to specific mining and
13 reclamation costs or to processes of mining unique to the operator
14 or owner thereof, or information that may affect adversely the
15 competitive positions of such operator or owner if released to the
16 public or to a competitor, "proper interested persons" are those
17 persons so designated by the operator and his authorized agents.

18 (2) As to reclamation plans, operator's reports, and all
19 other information (except information specified in Section (1) of
20 this rule on confidential material) required through the adminis-
21 tration of this ordinance, all members of the public are "proper
22 interested persons".

23 SECTION 15. Suspension or Revocation. The Director of
24 Building Division, Department of Community and Environmental
25 Development, may suspend or revoke a grading permit whenever the
26 permit is issued in error or on the basis of incorrect information
27 supplied, or in violation of any pertinent ordinance or regulation
28 or any of the provisions of this ordinance; or whenever any grading
29 work is being done contrary to the provisions of this ordinance.

30 SECTION 16. Stop Work Orders. Whenever any grading work is
31 being done contrary to the provisions of this ordinance, the Director
32 of Building Division, Department of Community and Environmental
Development, may order the work stopped by notice in writing served

1 on any persons engaged in the doing or causing such work to be done,
2 and any such persons shall forthwith stop such work until author-
3 ized by the Director of Building Division, Department of Community
4 Development, to proceed with the work.

5 SECTION 17. Grading Violations. All violations of this
6 ordinance, including hazards and failure to comply with terms of
7 the grading permit and conditions are determined to be detrimental
8 to the public health, safety, and welfare and are hereby declared
9 to be public nuisances. All conditions, which after inspection,
10 have been determined by the Director of Building Division,
11 Department of Community and Environmental Development, to render
12 any land, building, structure, premises or portion thereof to be
13 used or maintained in violation of this ordinance, shall be abated.

14 SECTION 18. Abatement Defined. For purposes of this
15 ordinance, abatement of a grading violation is defined as the termi-
16 nation of any grading violation by reasonable and lawful means
17 determined by the Director of Building Division, Department of
18 Community and Environmental Development, and provided for in this
19 ordinance in order that the land, building, structure, premises,
20 or portion thereof shall be made to comply with this ordinance.

21 SECTION 19. Violations - Misdemeanor. It shall be unlawful
22 for any person, firm, corporation or other organization to allow,
23 use or maintain any land, building, structure, premises, or portion
24 thereof contrary to or in violation of any of the provisions of this
25 ordinance or any order issued by the Director of Building Division,
26 Department of Community and Environmental Development. Any person
27 violating the provisions of this section shall be guilty of a mis-
28 demeanor for each day such violation continues.

29 SECTION 20. Civil Penalty. In addition to or as an alternate
30 to any other penalty provided herein or by law, any person, firm,
31 corporation or other organization who violates any of the provisions
32 of this ordinance or by each act of commission or omission procures,

1 aids or abets such violation shall incur a cumulative civil penalty
2 in the amount of ten dollars per day, per each violation, plus bill-
3 able costs of the Building Division, Department of Community and
4 Environmental Development, from the date set for compliance until
5 such violation is corrected or such notice of violation or order
6 is complied with.

7 All civil penalties will be enforced and collected in accord-
8 ance with the procedure specified in this ordinance.

9 SECTION 21. Additional Enforcement. Notwithstanding the
10 existence or use of any other remedy, the Director of Building
11 Division, Department of Community and Environmental Development,
12 may seek legal or equitable relief to enjoin any acts or practices
13 and abate any conditions which constitute or will constitute a
14 violation of this ordinance or other regulations herein adopted.

15 SECTION 22. Appeals. Any person aggrieved by the granting,
16 denying or suspension of a grading permit, or by the abatement of
17 a grading violation, pursuant to this ordinance shall have the
18 right to appeal from a final decision of the Director of Building
19 Division, Department of Community and Environmental Development.
20 This shall not prohibit the Director of Building Division,
21 Department of Community and Environmental Development, from taking
22 immediate action in cases of hazards requiring emergency action.
23 The King County Board of Appeals, as established by Article 7 of
24 the King County Charter, is hereby designated to hear such appeals.

25 SECTION 23. Enforcement Procedure. King County Ordinance
26 No. 1219, Chapter 2, Section 207, and Chapters 3, 4, 5, 6, 7, and 8
27 describing Appeals, Notice, and Orders of Director of Building,
28 Department of Community and Environmental Development; Procedure for
29 Conduct of Hearing Appeals; Enforcement of the Order of the Director
30 of Building Division, Department of Community and Environmental
31 Development, or the Board of Appeals; Performance of Work of
32 Abatement and Recovery of Civil Penalty and Cost of Abatement;

are here, by reference, incorporated into this ordinance as applicable and shall govern enforcement and appellate procedures for abating violations as described herein.

SECTION 24. Severability Clause. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance, it being herein expressly declared that this ordinance and each section, subsection, paragraph, sentence, clause and phrase thereof would have been adopted irrespective of the fact that any one or more other sections, sub-sections, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

INTRODUCED AND READ for the first time this 2nd day of

January, 1973.

PASSED this 22nd day of January, 1973.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

John T. O'Brien
Chairman

ATTEST:

Joe Kraft
Administrator-Clerk
King County Council

APPROVED this 25th day of January, 1973.

John D. Holman
King County Executive